

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66907 of 2024

Arising Out of PS. Case No.-108 Year-2024 Thana- YADOPUR District- Gopalganj

Rudal Musahar @ Rahul Musahar Son of Jagdev Musahar Resident of
Village- Tengrahi, Rampur, P.S- Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 03-10-2024

1. Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Yadopur Police Station Case No. 108 of 2024, disclosing offences under Sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per the prosecution story, the police, on the basis of secret information, received on 05.07.2024, intercepted motorcycle and upon seeing the police party, the motorcycle rider fled away after leaving his motorcycle on the spot. Police recovered 45 liters of country made liquor from a bag tied with the motorcycle and the motorcycle in question was also seized by the police.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused merely on the basis of the fact that he happens to be the registered owner of the motorcycle. Learned counsel next submits that his co-villager had borrowed



the motorcycle for some personal work and the petitioner was not aware that he was carrying the illicit liquor on the motorcycle.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is the owner of the motorcycle and he has given justification that it was borrowed by somebody else, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge XIII cum Learned Special Excise Court No. I, Gopalganj, in connection with Yadopur Police Station Case No. 108 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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